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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,140	05/31/2001	Eric R. Uner	01085	1078

7590 05/16/2005

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,140

Applicant(s)

UNER, ERIC R.

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 66-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 66-98 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 66-98 are pending in this examination; claim 66 independent. The Office acknowledges the cancellation of claims 1-65.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 91-98 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant does not disclose the third pool is a double primary pool and a double rotating pool, clearing said pool each time said pool is full, or every second, whichever comes first, generating 1,065,151,899,408 first kind of character sets every one second, generating thirty-two second kind of character sets every one period, generating 1024 third kind of character sets every one second, and that the second kind of character set is guaranteed not to repeat for twenty-eight years. If this is an oversight by the Office, Applicant is invited to distinctly point out where these features can be found in

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Applicant's disclosure. Furthermore, it would cause one of ordinary skill in the art undue experimentation in order to come up with these claimed features.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 66-98 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 66 recites the limitation "the session identifiers being... difficult to guess" which is term of relativity. It is unable to be determined from the scope of the claim what is considered what constitutes a "difficult to guess" session identifier. Correction is required.

7. Claims 67-98 are rejected as being dependent upon a rejected base claim.

8. Claims 96 and 98 further recite the limitation "easier to guess" and "simpler to guess" which are both terms of relativity and are related to the rejection as given to claim 66. Correction is required.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 66-98 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-211 of copending Application No. 09/725,786 (hereinafter '786) in view of Barton (USPN 5,912,972).

This is a provisional obviousness-type double patenting rejection.

11. Referring to claim 66, Barton discloses an embedded web server capable of managing dynamic content delivery of a data stream comprising:

receiving a data stream from a first disk (i.e. data block) (Figure 1);

processing said data stream (Figure 1);

memorizing said data stream (i.e. storing, an inherent feature since it is stored before a signature can be calculated 10) (Figure 1; col. 6, lines 55-65);

means for enabling said embedded web server to perform complex actions (i.e. embed signatures) (Figure 1);

saving said data stream to a second disk (i.e. must be stored on a second disk if sent to a different server on the network) (col. 7, lines 55-64);

means for producing a session identifier (this is an inherent feature for any system which transmits data over a network, otherwise it would not be able to be reconstructed

Barton does not disclose means for producing said session identifier comprising a character generating application existing as a single task as stated in the claim. In analogous art, '786 discloses a character-generating application whereby the session ID is created using three ID types each with its own ID pool, and also using a geometric progression of a chaotic progression around an origin, thereby guaranteeing that the session identifiers will be unique and random (see claim 1). It would have been obvious to one of ordinary skill in the art to combine the teaching of '786 with Barton since Barton discloses calculating a digital signature for the block (col. 6, line 66) however does not discuss how to generate the digital signature. This would lead one of ordinary skill in the art to search for methods of finding a way to generate a digital signature which would increase security and uniqueness, eventually finding '786 and its use of character generator to generate a session identifier.

12. As to claims 67-98, these are all inherent features of the system of Barton in view of '786.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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14. Fleming-Dahl (USPN 6,744,893) discloses receiver estimation engine for a chaotic system.
15. Carroll (USPN 6,282,292) discloses amplitude intensive synchronization of nonlinear systems.
16. Hayes (USPN 5,432,697) discloses technique for controlling the symbolic dynamics of chaotic systems to generate digital communications waveforms.
17. Goldberg et al. (*Randomness and the Netscape Browser* Dr. Dobb's January, 1996) discloses serious flaws in Netscape's implementation of SSL.
18. Gutowitz (USPN 5,365,589) discloses encryption, decryption and authentication using dynamical systems.
19. Turcott (USPN 5,712,801) discloses characterizing dynamical systems.
20. Gutman, Peter (*Secure Internet-based Electronic Commerce: the View from Outside the US*, University of Auckland, Dept. CS) discloses security concerns related to Internet commerce.

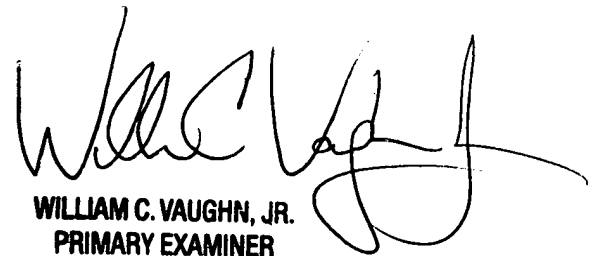
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA
May 5, 2005



WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER